THE CITY OF NEW YORK
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December 3, 2009

**BY ECF**
Honorable John Gleeson
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Surajudeen Ajishafe v. The City of New York, et al., 09-CV-374 (JG)(CLP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter in which plaintiff alleges, *inter alia*, that he was falsely arrested and that excessive force was used against him. Enclosed herein please find a fully executed Stipulation of Settlement and Order of Dismissal for Your Honor's endorsement and filing with the Clerk of the Court.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Elizabeth M. Daitz
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Edward Friedman, Esq. (By ECF)
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SURAJUDEEN AJISHAFE,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER JENNIFER VELEZ, SHIELD NO. 14800, SGT. EDMUND J. SMALL, SHIELD NO. 1474, AND POLICE OFFICERS "JOHN DOES 1-2", WHOSE NAMES AND BADGE NUMBERS ARE PRESENTLY UNKNOWN,

Defendants.

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**STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL**

09-CV-374 (JG)(CLP)

**WHEREAS,** plaintiff SURAJUDEEN AJISHAFE commenced this action by filing a complaint on or about January 28, 2009, alleging that the defendants violated plaintiff's federal civil and state common law rights; and

**WHEREAS,** defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS,** defendant City of New York served plaintiff with a Rule 68 Offer of Judgment on October 23, 2009; and

**WHEREAS,** plaintiff accepted defendant City of New York's Rule 68 Offer of Judgment on November 9, 2009;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Surajudeen Ajishafe Thirty-Three Thousand and Five Hundred ($33,500.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants and to release the defendants and any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses, and attorneys' fees.

3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written

agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November 17, 2009

EDWARD FRIEDMAN, ESQ.
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Brooklyn, New York 11242
(718) 852-8849

By: ______________________
Edward Friedman, Esq.
*Attorney for Plaintiff*

MICHAEL A. CARDOZO
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*Attorney for Defendant City of New York*
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(212) 788-0775

By: ______________________
Elizabeth M. Daitz
*Senior Counsel*
Special Federal Litigation Division

SO ORDERED:

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U.S.D.J.